

## **The Amendments**

Claim 1 is amended to correct an inadvertant and obvious typographical error. Claims 13 and 49 are amended to delete the word "further" as requested by the Examiner. Claims 19-21 are amended as requested by the Examiner for internal consistency with antecedents in claim 18. Claim 46 is amended to insert a clarifying space between a number and the units that number quantifies. These amendments are indicated by the Examiner to be formal revisions not required to overcome rejections; i.e., these amendments are not made for reasons of patentability.

Claims 49 and 54 are amended to substitute a definition from the specification into the claims in place of the term defined. This amendment has no effect on the scope of the claim; the amendment is not necessary for patentability and is made only for the convenience of the Examiner as requested in the Office Action.

Applicants submit that these amendments are fully supported in the application as filed and add no new matter to the application. The amendments are submitted at this time to correct matters of form pointed out by the Examiner in the Office Action dated June 30, 2000, and therefore entry of these amendments is proper under 37 C.F.R. § 1.116(b). Entry of these amendments is respectfully requested.

## **Rejection under 35 U.S.C. § 112, Second Paragraph**

Claims stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Claim 1 stands rejected as confusing because of a grammatical inconsistency resulting from the typographical error in the claim which is acknowledged and corrected in the present Amendment. Claims 39-40 differed from the antecedent in claim 1 only due to the typographical error, and thus antecedent basis is clear following correction of the typographical error in this Amendment.

Claim 42 recites "a second medium having a second composition which induces taxane production." The claim is not limited in the composition of the first medium by whether the first medium induces taxane production or not; only the second medium is so limited.

Claim 49 finds antecedent basis in the medium “which induces taxane production” as recited in claim 42, and thus the medium replenished according to claim 49 is clear from its antecedents. Applicants submit that these two claims are clear as currently written and should not be rejected under 35 U.S.C. § 112.

Claim 43 further limits claim 42 by indicating particular components that differ between the compositions of the first and second media. Specifically, nitrate and saccharide levels differ, in that the nitrate level is lower and the saccharide level is higher in the second medium than in the first. Comparison of the compositions of the two media to identify which medium has the higher level of each of these components is easily within the skill of the ordinary worker in this art, and thus Applicants do not believe that the ordinary worker will be confused, or indeed will have any difficulty in determining whether the media used in a particular process are infringing or not. Applicants appreciate the acknowledgement by the Examiner that “saccharide” as used in both the present claims and those of Yukimune, et al., are equally clear.

With respect to the phrase “periodic exchange of nutrient media,” Applicants have replaced the phrase with its definition identified in the specification by the Examiner. With respect to the phrase “auxin-related growth regulators,” Applicants submit that no definition is needed for this well-known class of compounds. Literature discussions of this class of compounds are of record in the present application (see, e.g., George, ed., “Plant Propagation by Tissue Culture,” Exegetics Ltd. (1993), pp. 421-425, and references cited in Davies, et al., *Plant Hormones: Physiology, Biochemistry and Molecular Biology*) and examples are provided in the specification for guidance. Thus, the ordinary worker would have no difficulty recognizing these well known compounds in the claims.

With regard to claims 71 and 72, Applicants acknowledge, as pointed out by the Examiner, that these claims do not exclude the addition of jasmonate compounds, but neither do they require the addition of jasmonate compounds. In contrast, every claim in the Yukimune patent requires the presence of jasmonate compounds. Therefore, as a formal matter, Applicants submit that claims 71 and 72 do not correspond to any of the claims in the Yukimune patent.

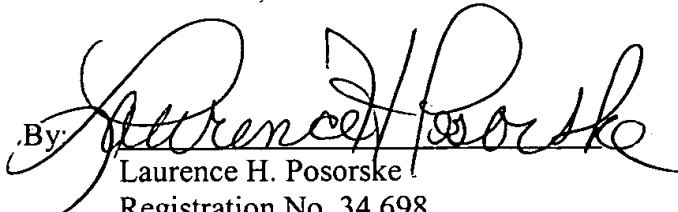
Applicants believe that the subject application is not in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that prosecution might be

furthered by discussing the application with Applicants' representative, in person or by telephone, we would welcome the opportunity to do so.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

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By:   
Laurence H. Posorske  
Registration No. 34,698

Brobeck, Phleger & Harrison LLP  
Intellectual Property Department  
1333 H Street, N.W., Suite 800  
Washington, D.C. 20005  
Tel: (202) 220-6000  
Fax: (202) 220-5200  
LHP:nej